

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-356-E - ORDER NO. 2010-545
AUGUST 12, 2010

IN RE: Leonid Kadoshnikov,) ORDER DENYING
) RELIEF AND
Complainant/Petitioner,) DISMISSING
) COMPLAINT
vs.)
)
Broad River Electric Cooperative, Inc. and)
Duke Energy Carolinas, LLC,)
)
Respondents.)

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Complaint filed by Leonid Kadoshnikov in which the Complainant sought to change electric service providers. Mr. Kadoshnikov is served by Broad River Electric Cooperative, Inc. (“Broad River”). He sought to change electric service providers to Duke Energy Carolinas, LLC (“Duke”). A full hearing was held in this matter on May 20, 2010. Mr. Kadoshnikov appeared *pro se*. Broad River was represented by Trent N. Pruett, Esquire. Duke was represented by Bonnie D. Shealy, Esquire. Nanette S. Edwards, Esquire, represented the South Carolina Office of Regulatory Staff (“ORS”).

In his Complaint, Mr. Kadoshnikov alleged several items: (1) that the rates charged by Broad River were higher than those charged by Duke; (2) that Broad River offered no customer programs to improve home efficiency and decrease customer

expenses for electric power; (3) that power spikes had destroyed electric equipment in his home; (4) that the law proscribing customer choice in electric power providers was enacted during “slavery time” and is not appropriate now; (5) that he and his family used a propane heater during the winter due to high electricity costs and were sickened by the gas fumes; (6) that some of his neighbors were supplied with electricity by Duke, and that Duke had expressed willingness to take him as a customer if Broad River would release him; and (7) that he had a petition signed by 58 neighbors who were unhappy with Broad River.

At the May 20 hearing, Mr. Kadoshnikov presented his own testimony and that of another witness, Ms. Lyubov Belaya. Broad River presented as its only witness its Assistant Manager, Douglas Wilson. The ORS called as its only witness Randy Watts, the Manager of the ORS Electric Department.

The testimony of Mr. Kadoshnikov and Ms. Belaya focused largely upon the fact that Duke charges lower rates than Broad River. Mr. Kadoshnikov additionally complained of two power spikes which he alleged damaged some electronic equipment in his home in the spring of 2009. Mr. Kadoshnikov also complained that a worker who was clearing trees on his property had cut the trees improperly and had insulted his wife because she is Russian.

Mr. Wilson testified that an investigation of the alleged power spikes had been conducted by the utility, and that the investigation had revealed three service calls to Mr. Kadoshnikov’s residence. The first call involved finding an electric meter which had been turned upside down. The second call involved a set of jumper cables circumventing

the meter at the Kadoshnikov residence. The third call resulted in replacement of the meter at the Kadoshnikov residence. Mr. Wilson testified that the investigation revealed that the spikes were isolated incidents which probably resulted from the apparent meter tampering. Another possible cause of the power spikes might be lightning or electrical storm. In any case, Mr. Wilson testified that there was no evidence of system failure or system malfunction as a cause of the electrical spikes. He further testified that Mr. Kadoshnikov receives the same service as is provided to all Broad River customers.

The ORS's witness, Mr. Watts, testified that there was no evidence that the service provided by Broad River was inadequate or undependable.

This controversy is governed by Section 58-27-660 of the South Carolina Code. Pursuant to S.C. Code Ann. § 58-27-660(1), an electric customer may change electric service providers upon agreement of the affected electric service providers. Where the affected electric service providers do not agree to the change, Section 58-27-660(2) requires that the Commission make a finding that the electric service provided by the incumbent electric service provider is inadequate or undependable, and cannot be made adequate and dependable in a reasonable period of time, or that the rates, conditions of service, or service regulations, applied to the consumer, are unreasonably discriminatory.

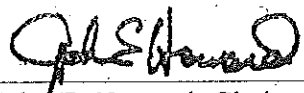
There has been no showing by Mr. Kadoshnikov which would be sufficient to carry the burden imposed under Section 58-27-660(2). Mr. Kadoshnikov relies upon two alleged power spikes to show inadequacy and undependability of Broad River's service, but these appear to be isolated incidents which occurred in the spring of 2009. Mr. Kadoshnikov's complaint of mistreatment of his wife due to her Russian ethnicity does

not support a finding of “discriminatory” service as that term is contemplated in the relevant statute. “Discrimination” in the context of electric power regulation refers to applying rates, terms of service, or service regulations differently among similarly situated customers. There is no allegation of any discrimination of this nature. The evidence shows that Mr. Kadoshnikov receives the same service as any other customer of Broad River. Furthermore, Mr. Kadoshnikov’s allegations of property damage and improper tree cutting are beyond this Commission’s jurisdictional authority. If Mr. Kadoshnikov wishes to seek monetary damages, he must do so in civil court.

The Territorial Assignment Act precludes customers from changing electric power suppliers at will. Mr. Kadoshnikov has not shown that he is entitled to change electric service providers under Section 58-27-660. Accordingly, we must deny the relief requested by Mr. Kadoshnikov and dismiss the Complaint.

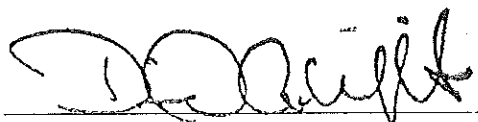
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman

(SEAL)